

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 74 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE H.R.SHELAT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

BHIMRAO BABURAO YADAV.....Petitioner

Versus

STATE OF GUJARAT..... Respondent

Appearance:

MRS MADHUBEN SHARMA for Petitioner

MR SR DIVETIYA ADDL.PUBLIC PROSECUTOR

for Respondent

CORAM : MR.JUSTICE H.R.SHELAT

Date of decision: 18/02/98

ORAL JUDGEMENT

Rule. Mr. Divetiya, the learned APP waives the service of Rule for and on behalf of the State of Gujarat. He tenders the report of the Police Inspector, Ghatlodiya Police Station, along with other papers. The same be taken on record. The petitioner who is the prisoner undergoing sentence, prays for being released on Parole for a period of three weeks on the ground that his

wife is undergoing treatment of Dr.A.C.Vora. Necessary medical papers are produced. Those papers alongwith the Police Report show that the cause assigned is genuine. The Doctor has opined that the wife of the prisoner is pregnant and there is possibility of miscarriage or Abortion. It would, therefore, be desirable, if the petitioner-prisoner is present at the time of necessary medical treatment, and about the emergency, the doctor is apprehending. In view of the such facts and circumstances of the case, the application is required to be allowed.

2. The application, in the result, is allowed. The petitioner is ordered to be released on Parole for a period of two weeks from the date of his release on his executing the bond of Rs.3,000/- (Rupees: Three thousand only) with one surety of the like amount or on his depositing the said sum before the Jail Authority and on further condition that he will reside within the local limits of Ahmedabad City, he shall furnish his address to the concerned Jailor while leaving the Jail, he shall mark his presence before the Amaraiwadi Police Station on 23rd, 27th of February, 1998 and 4th of March, 1998 at any time between 9-00 a.m. to 2-00 p.m. and shall surrender back to the Jail Authority on the last date of two weeks period.

3. In case, the prisoner commits any breach of the aforesaid conditions, it would be open to the Jail-authority to forfeit the bond amounts. Rule accordingly made absolute.

(ccs)